IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.10769 OF 2004**

DATE OF DECISION: December 12, 2006

GIRDHARI LAL AND ANOTHER ...PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS ...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.**
**HON'BLE MRS. JUSTICE NIRMAL YADAV.**

PRESENT: NONE FOR THE PETITIONERS.
MR. C.M. MUNJAL, SR.ADDL.A.G., PUNJAB.
MR. I.S. RATIA, ADVOCATE FOR RESPONDENT NO.4.

**ASHUTOSH MOHUNTA, J. (ORAL)**

The petitioner has prayed that a writ in the nature of mandamus be issued by directing the respondent Nos.1 & 2 to give back the possession of land to the petitioners alongwith damages and cost of construction etc. In the writ petition it has been averred that the respondents have taken over the land without acquiring the same. It is further been stated that no compensation has been paid to the petitioners.

Reply has been filed on behalf of respondent Nos.1 & 2 wherein it has been categorically averred that the land in dispute was exempted from acquisition and that the possession was not taken by the State except land comprised in Khasra No.28/17/1.

Keeping in view the reply filed on behalf of respondent Nos.1 & 2, it is clear that the land comprised in khasra No.28/17/1 was acquired by the respondents, therefore, they are held liable to be pay the compensation for the land situated in Khasra No.28/17/1. The respondent-

State shall pay the compensation to the petitioners within a period of 3 months from the date of receipt of certified copy of this order.

Writ petition is disposed of.

**(ASHUTOSH MOHUNTA)**
**JUDGE**

December 12, 2006
Gulati

**(NIRMAL YADAV)**
**JUDGE**